

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

IN RE:

HARRIS CLAIBORNE FRAZIER

CASE NO. 08-03051-EE

DEBTOR

CHAPTER 7

KAY ATWOOD VANSKIVER

PLAINTIFF

v.

ADVERSARY NO. 09-00089-EE

HARRIS CLAIBORNE FRAZIER

DEFENDANT

**AGREED JUDGMENT DETERMINING A CERTAIN INDEBTEDNESS
NOT TO BE DISCHARGED AND DISMISSING THE OBJECTION TO DISCHARGE**

THIS CAUSE having come on for hearing on the Joint Motion For Entry of Agreed Judgment, ore tenus, of Plaintiff Kay Atwood VanSkiver ("Vanskiver") and Defendant Harris Claiborne Frazier, and the Court having considered said Joint Motion and such matters as presented by parties present, and otherwise being thoroughly familiar in the premises, is of the opinion and so finds as follows:

1. This Court has jurisdiction of this proceeding and all parties herein pursuant to 28 U.S.C. §§157(b) and 1334.
2. Atwood filed a Complaint herein on July 31, 2009 by which they objected to the dischargeability of debts owed by Frazier to her and Frazier's discharge from bankruptcy.
3. Frazier was personally served with a summons and copy of VanSkiver's Complaint on September 19, 2009.
4. Frazier has reviewed VanSkiver's Complaint with his counsel, Ron Smith, Esq., and represents to the Court that he admits each and every allegation stated therein, except for Count

Two, paragraphs 17 through 20 inclusive, and in lieu of having a trial of the issues presented by said Complaint Frazier is agreeable to entering into this Agreed Judgment specifically the non-dischargeability of his debt totaling Eighty-Five Thousand and no/100 Dollars (\$85,000.00) plus interest at the rate of eight percent (8%) per annum from and after September 15, 2005 and all costs of collection, including reasonable attorney fees owing to VanSkiver as evidenced by that certain Promissory Note dated September 15, 2005.

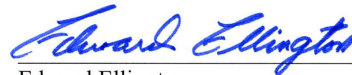
5. VanSkiver is likewise agreeable to entering into this Agreed Judgment in order to save the time and expense of a trial. Van Skiver is further agreeable to the discharge of Count Two of the Complaint Objecting To Dischargeability of Debt or In The Alternative, To The Discharge of Debtor filed herein.

6. In view of the representations of the parties and their respective counsel, evidenced by the signatures of the parties and their respective counsel affixed hereto, the Court is satisfied that sufficient grounds exist to enter this Agreed Judgment denying the dischargeability of Frazier's debt owing to VanSkiver and the dismissal of Count Two of the Complaint filed herein and that good cause exist to grant the Joint Motion, ore tenus, in all respects.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff Kay Atwood VanSkiver should be and hereby is awarded a judgment against Defendant Harris Claiborne Frazier in the total sum of Eighty-Five Thousand and no/100 Dollars (\$85,000.00) plus interest at the rate of eight percent (8%) per annum from and after September 15, 2009 and all costs of collection, including attorney fees in the sum of Seventeen Thousand and no/100 Dollars (\$17,000.00) and that the amount of this judgment owing by Frazier to VanSkiver should be and hereby is determined to be non-dischargeable in accordance with *11 U.S.C. §523(a)(4)(6)* of the Bankruptcy Code.

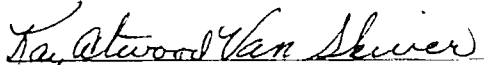
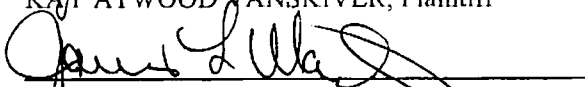
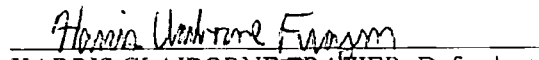

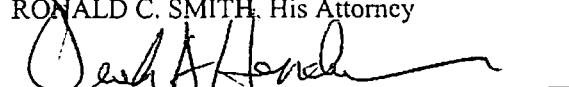
IT IS FURTHER ORDERED AND ADJUDGED that Count Two of the Complaint filed herein should be and hereby is dismissed.

19th
SO ORDERED AND ADJUDGED on this ____ day of November, 2009.

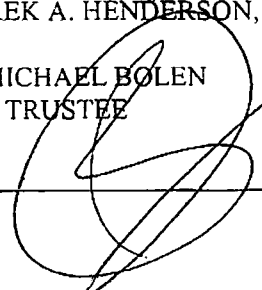


Edward Ellington
United States Bankruptcy Judge
Dated: November 19, 2009

APPROVED:


KAY ATWOOD VANSKIVER, Plaintiff
JAMES L. MARTIN, Her Attorney
HARRIS-CLAIBORNE FRAZIER, Defendant
RONALD C. SMITH, His Attorney
DEREK A. HENDERSON, Trustee

R. MICHAEL BOLEN
U.S. TRUSTEE

By: 

Prepared By:
James L. Martin
P.O. Box 2703
Madison, MS 39130
601-991-3301
601-991-32302 - facsimile
jmartin@jlmatty.com
MS Bar No. 1891